



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: May 4, 2015

Table A. Summary			
Application Summary			
Case Number	Z1400005	Jurisdiction	City
Applicant	Vijay Vattikutti	Submittal Date	March 11, 2014
Reference Name	Lakshmi Plaza	Site Acreage	0.82
Location	4823 Hopson Road, on the north side of Hopson Road west of NC 54 Highway		
PIN(s)	0747-03-34-7391		
Request			
Proposed Zoning	Commercial Neighborhood with a development plan (CN(D))	Proposal	Commercial use
Site Characteristics			
Development Tier	Compact Neighborhood		
Land Use Designation	Commercial		
Existing Zoning	Office Institutional (OI)		
Existing Use	Day-care facility		
Overlay	None	Drainage Basin	Lower Neuse
River Basin	Neuse	Stream Basin	Stirrup Iron Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval, 12-0 on March 10, 2015. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of one parcel of land totaling 0.82 acres from OI to CN(D) for a proposed commercial development of 7,788 square feet. The site is located at 4823 Hopson Road, on the north side of Hopson Road and west of NC 54

Highway (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Commercial.

Appendix A provides supporting information.

B. Site History

There have been no recent zoning map change requests on this site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the CN district (Sec. 3.5.6.D, Sec. 6.10.1.D). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards by requiring the dedication of right-of-way along the frontage of the site, and restricting restaurants with drive-through facilities, banks, and fuel sales.

Graphic Commitments. Graphic commitments include the general location of site access and building and parking envelopes.

Design Commitments. Design Commitments are required of zoning requests that include a development plan for nonresidential projects. This request includes commitments that specify building materials and roofline as well as the use of awnings as a building feature.

Determination. The requested CN zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested zoning district and associated development plan is consistent with the Future Land Use Map and other policies of the *Comprehensive Plan*. Thus, approval of this request would allow commercial uses which is consistent with the Comprehensive Plan's future land use designation of Commercial.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.6 and 4.8. A proposed bicycle lane along Hopson Road is shown as a recommendation of the Long Range Bicycle Plan Map 4.6 and 4.8. If approved, this project is not required to construct road improvements along Hopson Road and therefore does not warrant improvements associated with the bicycle lane.

F. Site Conditions and Context

Site Conditions. This 0.82-acre site is comprised of one parcel that is presently developed as a day care facility. The existing building and play space is located on the eastern portion of the parcel and the parking area is located on the western portion of the parcel.

Area Characteristics. The site is in a Compact Neighborhood Tier and within ½ mile of the proposed TTA Rail Station, Triangle Metro Center. The area surrounding Triangle Metro Center was designated as a Compact Neighborhood Tier with the implementation of the 2005 *Comprehensive Plan* and is primarily dominated by employment centers with multifamily residential projects more recently being developed. The Research Triangle Park is within ½ mile north of the site. Major roadways serving the area include I-40, I-540, NC 147, NC 54 and NC 55. The surrounding zoning districts include Commercial Center (CC), Office Institutional (OI), Commercial Neighborhood (CN), Rural Residential (RR), and Industrial Park (IP).

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. This area is predominantly a regional employment node where multifamily development has recently been developed. Neighborhood support uses, the intended goal of the CN district, could benefit these residents. The proposed CN(D) district allows uses that are considered as neighborhood support. Thus, the proposed request meets the ordinance and policy requirements in relation to site and context.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed CN district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to decrease the traffic generation of the subject site by 211 daily trips, decrease the students generated from the proposed use by four students, and decrease the estimated water demand of the site by 637 gallons per day. The existing infrastructure has available capacity to meet the proposed development.

H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other policies and ordinances. If the requested CN(D) zoning designation were approved, the development plan would further establish the development potential of the site considering the text and graphic commitments proffered.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Cliff Credle, Credle Engineering	Ph: 919-682-2006	cliff@CredleEngineering.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Northeast Creek StreamWatch

- TTA Station Sites
- Partners Against Crime – District 4
- Center of the Region Enterprise (CORE) – Wake County
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Town of Morrisville
- Center of the Region Enterprise (CORE) – Town of Cary

K. Summary of Planning Commission Meeting March 10, 2015 (Case Z1400005)

Staff Report: Ms. Wolff presented the staff report.

Zoning Map Change Request: OI to CN(D)

Public Hearing: Chair Harris opened the public hearing. Two people spoke in favor and none against. Chair Harris closed the public hearing.

Commission Discussion: Discussion centered on traffic and pedestrian access

Motion: Approval (Miller, Whitley 2nd)

Action: Motion carried, 12-0

Findings: The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Application 6. Submittal and Review History
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans

Table K. Supporting Information		
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: 7. Planning Commissioner's Written Comments 8. Ordinance Form 9. Consistency Statement

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CN	Commercial Neighborhood: the CN district is established to provide for modest-scale commercial centers in close proximity to residential areas that offer limited commercial uses to satisfy the needs of the surrounding neighborhood; each lot is limited to 20,000 square feet of project floor area. While CN is a commercial district, other uses such as residential and office may also be allowed.
D	Development Plan – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.

Table D2. District Requirements – CN			
	Code Provision	Required	Committed
Maximum Project Floor Area (square feet)	6.10.1.D	20,000	7,788
Minimum Lot Width (feet)	6.10.1.D	50	203
Maximum Street Yard (feet)	6.10.1.D	15	15
Minimum Side Yard (feet)	6.10.1.D	10	10
Minimum Rear Yard (feet)	6.10.1.D	15	15
Maximum Height (feet)	6.10.1.D	35	35

Table D3. Environmental Protection
Tree coverage is not required for projects within the Compact Neighborhood Tier.

Table D4. Project Boundary Buffers
Project boundary buffers are not required for project developed within the Compact Neighborhood Tier.

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 7,788 square feet maximum building size.	C0200
	Building/Parking Envelope has been identified.	C0200
	Project Boundary Buffers are not applicable to projects within Compact Neighborhood Tier	N/A
	Stream Crossing. None.	N/A
	Access Points. One (1) access point has been identified.	C0200
	Dedications and Reservations. None	N/A
	Impervious Area. 60.1% = 0.49 acres	C0200
	Environmental Features. None.	N/A
	Areas for Preservation. None.	N/A
	Tree Coverage. Not required for projects developed within the Compact Neighborhood Tier.	N/A
Graphic Commitments	Location of access point. Location of building envelope. Location of parking envelope.	C0200
Text Commitments	<ol style="list-style-type: none"> The following uses are prohibited: restaurants with drive-through facilities, banks, and fuel sales. Dedicate 20 feet of additional right-of-way for the frontage of the site along Hopson Road: <ol style="list-style-type: none"> Prior to the issuance of a building permit for an addition greater than 500 square feet to the existing structure, or Prior to the issuance of a building permit for any redevelopment of the existing structure. 	Cover
SIA Commitments	None provided	N/A

Table D5. Summary of Development Plan		
Design Commitments	<p>Building description: the existing roof line is sloped, the existing awnings will serve as building features, the primary material is brick.</p> <p>Roof line: no modifications of the existing roof line shall be made.</p> <p>Materials: no modifications of the materials shall be made</p> <p>The massing and material of the building serve as a transition of the nearby commercial and residential uses. This brick of this building is reflective of surrounding brick house located on Hopson Road.</p>	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Commercial: Land used primarily for retail, entertainment, office, and services.</p> <p>Compact Neighborhood Tier: Areas identified for high density and intensity infill, redevelopment, and new development that integrate a mix of uses.</p>
2.2.4b	Compact Neighborhood Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Residential, Institutional, Commercial, Office, and light Industrial.
2.3.1b	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4c and d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.

Table E. Adopted Plans
<i>Long Range Bicycle Plan</i>
Map 4-6 and 4-8 shows a proposed bicycle lane along Hopson Road.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Multi-family residential	CC	None
East	Single-family residential	OI	None
South	Commercial, vacant	CN, RR	None
West	Single-family residential, vacant	OI	None

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Hopson Road and S. Miami Boulevard (NC 54) are the major roads impacted by the proposed zoning change. NCDOT project (U-4716) will construct a grade separation of the railroad crossing on Hopson Road to the west of the site. The NCDOT project is currently under construction and is expected to be complete in late 2015.		
Affected Segments	NC Highway 54	Hopson Road
Current Roadway Capacity (LOS D) (AADT)	37,900	11,200
Latest Traffic Volume (AADT)	21,000	12,000
Traffic Generated by Present Designation (average 24 hour)*	1,007	
Traffic Generated by Proposed Designation (average 24 hour)**	796	
Impact of Proposed Designation	-211	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

Hopson Road: 2-lane city/county Class II arterial roadway without left-turn lanes

S. Miami Boulevard (NC 54): 4-lane undivided Class I arterial with left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – OI: 6,800 SF bank with drive-up windows

**Assumption- (Max Use of Existing Zoning) – CN (D): 7,788 SF supermarket

Table G2. Transit Impacts
Transit service is provided within one-quarter mile of the site along NC 54 Highway via Triangle Transit Route 201.

Table G3. Utility Impacts
This site is served by City water and County sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is not estimated to generate any students; residential would not be permitted if this request is approved. This represents a decrease of four students under the existing zoning. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,794	7,760	10,259
Maximum Building Capacity (110% of Building Capacity)	18,473	8,536	11,285
20th Day Attendance (2014-15 School Year)	16,545	7,465	10,074
Committed to Date (October 2011 – September 2014)	68	19	-35
Available Capacity	1,860	1,052	1,246
Potential Students Generated – Current Zoning *	2	1	1
Potential Students Generated – Proposed Zoning **	0	0	0
Impact of Proposed Zoning	-2	-1	-1

*Assumption- (Max Use of Existing Zoning) – 14 apartments

**Assumption- (Max Use of Existing Zoning) – Residential is not proposed on this plan and therefore not permitted

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 847 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 763 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	27.17 MGD
Approved Zoning Map Changes (October 2011 – September 2014)	0.13MGD
Available Capacity	9.70 MGD
Estimated Water Demand Under Present Zoning*	1,610 GPD
Potential Water Demand Under Proposed Zoning**	973 GPD
Potential Impact of Zoning Map Change	-637

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – 14 apartments

**Assumption- (Max Use of Existing Zoning) – 7,788 square feet of commercial

Appendix K: Summary of Planning Commission Meeting

Attachments:

7. Planning Commissioner's Written Comments
8. Ordinance Form
9. Consistency Statement